



# PUBLIC NOTICE

**Federal Communications Commission**  
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**Washington, D.C. 20554**

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**DA 17-301**

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**WIRELINE COMPETITION BUREAU ANNOUNCES PROCESS TO ACCESS  
UNREDACTED VERSION OF  
PROPOSED BUSINESS DATA SERVICES REPORT AND ORDER**

**WC Docket Nos. 16-143, 05-25; GN Docket No. 13-5; RM-10593**

Today, FCC Chairman Ajit Pai released to the public a proposed Report and Order (Proposed Order) in the business data services rulemaking proceeding as part of his efforts to make the FCC more open and transparent.<sup>1</sup> Chairman Pai has circulated the Proposed Order to his fellow Commissioners for a vote at the Commission's April 20, 2017 open meeting. Because the Proposed Order contains information that parties have designated as competitively-sensitive Highly Confidential Information, that information is subject to protective orders in this proceeding that govern the process for accessing such information and is thus redacted from the publicly-released version of the Proposed Order.<sup>2</sup>

In this Public Notice, the Bureau announces the process that parties can use to access an unredacted version of the Proposed Order. In this proceeding, access to information designated as Highly Confidential Information is limited to Outside Counsel and Consultants, and their employees, not involved in Competitive Decision-Making, as those terms are defined in the protective orders.<sup>3</sup> In order to receive access to information designated as Highly Confidential Information, an individual must have filed Acknowledgments of Confidentiality (Acknowledgments) pursuant to the *Data Collection*

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<sup>1</sup> The redacted public version of the Proposed Order is available on the event page for the April 20, 2017 Open Commission Meeting. *April 2017 Open Commission Meeting*, FCC, <https://www.fcc.gov/newsevents/events/2017/04/april-2017-open-commission-meeting>.

<sup>2</sup> See *Business Data Services in an Internet Protocol Environment; Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans; Special Access for Price Cap Local Exchange Carriers*; *AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket Nos. 16-143, 15-247, 05-25, RM-10593, Order, 31 FCC Rcd 7104 (WCB 2016); *Special Access for Price Cap Local Exchange Carriers*; *AT&T Corp. Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Order and Modified Data Collection Protective Order, 30 FCC Rcd 10027 (WCB 2015) (*Modified Data Collection Protective Order*); Order and Data Collection Protective Order, 29 FCC Rcd 11657, 11677-79, Appx. B (WCB 2014) (*Data Collection Protective Order*); Second Protective Order, 25 FCC Rcd 17725, 17727-28, para. 6 (*Second Protective Order*); Modified Protective Order, 25 FCC Rcd 15168 (WCB 2010) (*Modified Protective Order*).

<sup>3</sup> See *Data Collection Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5; *Second Protective Order*, 25 FCC Rcd at 17727, para. 5; see also *Modified Protective Order*, 25 FCC Rcd at 15170, para. 4.

*Protective Order*,<sup>4</sup> *Second Protective Order*,<sup>5</sup> and *Modified Protective Order*.<sup>6</sup> Access is only granted after any objection is resolved by the Commission in favor of the party seeking access.<sup>7</sup> Thus, in order to access an unredacted version of the Proposed Order, an individual must have filed all three Acknowledgments, and the time for objection must have run or any objection must have been resolved in favor of the party seeking access to the information.

Process for reviewing the unredacted version of the Proposed Order:

- Access to the unredacted Highly Confidential version of the Proposed Order is limited to in-person *in camera* review at Commission Headquarters, 445 12th Street, SW, Washington, D.C. 20554, weekdays between the hours of 10:00 a.m. and 3:00 p.m. (ET).
- To request in-person access to review the unredacted Proposed Order, requesting parties must email their request to staff of the Wireline Competition Bureau (Bureau) at [SpecialAccess@fcc.gov](mailto:SpecialAccess@fcc.gov); and
  - Individuals who requested and received an unredacted Highly Confidential version of the *Business Data Services Further Notice of Proposed Rulemaking (Further Notice)*<sup>8</sup> are pre-approved for accessing the unredacted Proposed Order and do not need to resubmit via email copies of the three requisite Acknowledgments previously submitted to Bureau staff, but do need to schedule an appointment to access the Proposed Order with Bureau staff.<sup>9</sup>
  - Individuals who did not request or receive an unredacted Highly Confidential version of the *Further Notice* must attach to their email to Bureau staff signed copies of the three requisite Acknowledgments filed pursuant to the *Data Collection Protective Order*, *Second Protective Order*, and *Modified Protective Order*.<sup>10</sup> Requesting parties do not need to refile these Acknowledgments in the dockets if they have done so in the past. Requesting parties that have not previously filed all three Acknowledgments in the dockets must do so and the

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<sup>4</sup> *Data Collection Protective Order*, 29 FCC Rcd at 11680, Appx. C, Acknowledgment of Confidentiality; *see also Parties Authorized to Review Special Access Data*, FCC, <https://www.fcc.gov/general/parties-authorized-review-special-access-data>.

<sup>5</sup> *Second Protective Order*, 25 FCC Rcd at 17733, Appx. A, Acknowledgment of Confidentiality.

<sup>6</sup> *Modified Protective Order*, 25 FCC Rcd at 15175, Appx. A, Acknowledgment of Confidentiality.

<sup>7</sup> *See Data Collection Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5; *Second Protective Order*, 25 FCC Rcd at 17729, para. 12; *Modified Protective Order*, 25 FCC Rcd at 15171, para. 7. Further, access will not be provided until an objecting party has an opportunity to seek a judicial stay of the Commission's decision.

<sup>8</sup> *See Business Data Services in an Internet Protocol Environment; Investigation of Certain Price Cap Local Exchange Carrier Business Data Services Tariff Pricing Plans; Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket Nos. 16-143, 15-247, 05-25, RM-10593, Tariff Investigation Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 4723 (2016) (*Further Notice*).

<sup>9</sup> *See Data Collection Protective Order*, 29 FCC Rcd at 11680, Appx. C; *Second Protective Order*, 25 FCC Rcd at 17733, Appx. A; *Modified Protective Order*, 25 FCC Rcd at 15175, Appx. A.

<sup>10</sup> *See Data Collection Protective Order*, 29 FCC Rcd at 11680, Appx. C; *Second Protective Order*, 25 FCC Rcd at 17733, Appx. A; *Modified Protective Order*, 25 FCC Rcd at 15175, Appx. A.

time for objection must have run or any objection must have been resolved in favor of the party before access may be granted.<sup>11</sup>

- Upon receipt of each email request, Bureau staff will verify that the requesting party is authorized to receive access to information designated as Highly Confidential Information. Bureau staff will then schedule an appointment for authorized parties (Reviewing Parties) to review in-person an unredacted Highly Confidential copy of the Proposed Order in a secure reviewing area at Commission Headquarters, 445 12th Street, SW, Washington, D.C. 20554, weekdays between the hours of 10:00 a.m. and 3:00 p.m. (ET).
- Reviewing Parties will be accompanied by Commission staff at all times while reviewing the unredacted Proposed Order.
- Reviewing Parties may bring paper into the reviewing area to take notes, as well as reference materials such as a public version of the Proposed Order and may remove from the reviewing area handwritten notes containing Highly Confidential Information.
- To protect the confidentiality of the Highly Confidential Information in the unredacted Proposed Order, Reviewing Parties are strictly prohibited from:
  - Removing a hard copy of the unredacted Proposed Order from the reviewing area within Commission Headquarters;
  - Making photocopies or other electronic copies of the unredacted Proposed Order;
  - Using electronic devices, including cell phones, laptops and tablets, within the designated reviewing area.

We remind parties that the Proposed Order does not constitute any official action by the Commission. However, the Chairman has determined that, in the interest of promoting the public's ability to understand the nature and scope of issues under consideration by the Commission, the public interest would be served by making the Proposed Order publicly available subject to the protective orders in this proceeding. The Commission's ex parte rules apply and presentations are subject to "permit-but-disclose" ex parte rules.<sup>12</sup>

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), please send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (tty).

For further information, please contact Christopher Koves, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-8209 or via email at [Christopher.Koves@fcc.gov](mailto:Christopher.Koves@fcc.gov), or Joseph Price, Pricing Policy Division, Wireline Competition Bureau, at (202) 418-1423 or via email at [Joseph.Price@fcc.gov](mailto:Joseph.Price@fcc.gov).

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<sup>11</sup> See *Data Collection Protective Order*, 29 FCC Rcd at 11673, Appx. A at para. 5 (five business day objection period from release of public notice listing party filing Acknowledgment); *Second Protective Order*, 25 FCC Rcd at 17729, para. 5 (three business day objection period after service of Acknowledgment on Submitting Party); *Modified Protective Order*, 25 FCC Rcd at 15170-71, para. 7 (same).

<sup>12</sup> See, e.g., 47 CFR §§ 1.1206, 1.1200(a).